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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/309,131	05/10/1999	TERRY L. GEER	0258100-1002	7132

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PORTER WRIGHT MORRIS & ARTHUR  
41 SOUTH HIGH STREET  
28TH FLOOR  
COLUMBUS, OH 432156194

EXAMINER

SNAPP, SANDRA S

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 06/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/309,131

Applicant(s)

GEER, TERRY L.

Examiner

Sandra Snapp

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2,3 and 5-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,3 and 5-24 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

***Response to Amendment***

***Specification***

The newly amended first paragraph of the specification that contains information about the parent application and current status thereof has been entered.

***Claim Objections***

Claims 18 is objected to because of the following informalities: a typographical error on page 8, line 10 of the claim. The term "according" is misspelled as "accotding." Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The various issues raised in the previous rejection of record based on 35 U.S.C. 112 has been successfully overcome, except for the rejection of claim 13, which is herein repeated.

In claim 13, line 1, the phrase "cash letters" appears to actually refer to the "cash letters" of claim 12, and as such should be preceded with the term "the" or "said" to show that antecedent basis has been established.

Claims 2, 3 and 5-24 are newly rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are indefinite because the use of the term "system" in independent claims 18, 19 and 24 is confusing. It is unclear from the term "system" whether the Applicant is referring to a method or an apparatus. It appears from the body of the

claims that the Applicant is referring to an apparatus. A statement on the record clarifying the Applicant's intention is all that is necessary to overcome this rejection.

***Claim Rejections - 35 USC § 102***

Claims 2, 3 and 5-24 are rejected under 35 U.S.C. 102(b) as being anticipated by the Stephens et al. patent (5,237,159).

The Stephens reference disclose a system for effecting the deposit and submission of paper and financial instruments comprising:

An item capture facility for receiving the instruments (partner banks, col. 4, lines 57-68) (claims 18, 19 and 24);

A billing statement (cash letters, col. 5, lines 11-51) (claim 24);

A means at the capture facility for deriving funds transfer information and converting the information into a data record (CPCS, col. 4, lines 57-68 and col. 5, lines 1-10) (claims 18, 19 and 24);

A means for associating information in the data record with a record associated with the payor maintained in the payee's record of accounts (CIF system, col. 5, lines 65-68 and col. 6, lines 1-68) (claims 18, 19 and 24);

A means for creating a visually perceptible record (MICR line data, col. 4, lines 57-68 and col. 5, lines 1-11) (claims 18, 19 and 24);

An archive (centralized storage, col. 6, lines 3-68) (claims 18, 19 and 24);

A communication link (communication techniques, col. 5, lines 22-29) (claims 18 and 24);

A means for applying an indorsement indicia on behalf of the payee and the depository bank of the payee (headers, col. 8, lines 1-68) (claim 19);

A processing means (CPCS, col. 5, lines 1-10) (claims 18, 19 and 24);

A sorter for identifying record according to categories and for assembling bundles of records corresponding to the categories (system that bundles checks, col. 5, lines 11-21) (claims 18, 19 and 24); and

A controller that coordinates the transmission of cash letter information (CPCS, col. 5, lines 11-21) (claims 18, 19 and 24).

The limitations of dependent claims 2, 3, 5-9, 12-17, and 20-23 are also rejected under 35 U.S.C. 102 because they are all disclosed in the Stephens patent and also because these claims depend from rejected base claims 18 and 19.

### ***Response to Arguments***

Applicant's arguments filed 3-26-03 have been fully considered but they are not persuasive. The Applicant discusses the "payee-centric" aspect of the present invention, however the limitations within the claims do not specifically identify such a concept and can be broadly interpreted to read on the banks system of Stephens. As such, the present claims remain anticipated by the Stephens reference.

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***Allowable Subject Matter***

Claims 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record neither show, disclose nor teaches a system for effecting deposits and submissions of financial instruments wherein an image of a data segment is transmitted to the custodian of the payor's account, and the image is displayed in a periodic statement delivered on behalf of the custodian to the payor.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Perazza patent discloses a computer controlled funds processing and remittance processing system for use by individuals, businesses and bank customers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra Snapp whose telephone number is 703-305-6940. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

SS 

June 15, 2003



VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600